IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

MACA.No. 1433 of 2006

OPMV.3648/1994 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE
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APPELLANT/PETITIONER

SHEREENA, AGED 22 YEARS,
D/O.KORAPPAN, RESIDING AT EAST NEDUMANGAD,
P.O.MANASSERY, KOZHIKODE DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS/RESPONDENTS:
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1. SASEENDRAN.P., S/O.VELAYUDHAN NAIR,
PUTHANPURAYIL HOUSE,
P.O.CHATHAMANGALAM, CALICUT.

2. BABU RAJAN.A.,
S/O.UNNICHOYI, AMBAZHAM KANDIYIL HOUSE,
P.O.KUNNAMANGALAM, KOZHIKODE.

3. UNITED INDIA INSURANCE CO. LTD.,
CITY BRANCH OFFICE, BANK ROAD,
MAVOOR ROAD JUNCTION,
CALICUT-673 001.

BY ADV. SRI.PMM.NAJEEB KHAN

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 17/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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J.B.KOSHY & V.GIRI, JJ.

M.A.C.A.1433 OF 2006

Dated 17th August, 2007

JUDGMENT

Koshy,J.

Appellant, at the age of 10, met with an accident by which she sustained injuries on her right leg, right palm and right ankle. She was treated as an inpatient in the Medical College Hospital, Kozhikode. It is submitted that she was studying in the fifth standard at the time of the accident and she has to discontinue her studies. Tribunal has taken the annual notional income of Rs.15,000/=. Taking guidance from the second schedule, 15 was taken as the multiplier and compensation for 20% disability was calculated at Rs.45,000/=. For disfiguration Rs.20,000/= and for pain and suffering Rs.15,000/= were granted. Further, it is submitted that even now the wound is not healed and she is under regular treatment. It is also submitted that only Rs.2,500/= was awarded towards future treatment which is very low and no amount was awarded for loss of studies. Since she has to discontinue her studies, we are of the opinion that Rs.5,000/= can be awarded for discontinuation of studies and Rs.2,000/= more can be awarded for future treatment. Under all other heads just and reasonable compensation was awarded. Thus, the appellant is entitled to an additional amount of Rs.7,000/=.

The above amount of Rs.7,000/= should be deposited by the third respondent insurance company with seven and a half percent interest from the date of application till its deposit.

The appeal is partly allowed.

J.B.KOSHY
JUDGE

V.GIRI
JUDGE

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